

MAR 10 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

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TROY MATTHEW JACKSON,	)	
Plaintiff,	)	Civil Action No. 7:10cv00099
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	
NRADC,	)	By: Samuel G. Wilson
Defendant.	)	United States District Judge

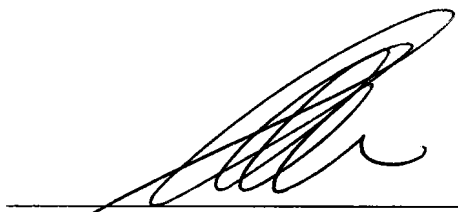
Plaintiff Troy Matthew Jackson, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Jackson has also requested to proceed in forma pauperis.

According to court records, Jackson has filed at least three actions in a court of the United States that were dismissed on the grounds that they were frivolous.<sup>1</sup> Therefore, Jackson may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Jackson has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”<sup>2</sup> the court dismisses his complaint without prejudice.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 9th day of March, 2010.

  
United States District Judge

<sup>1</sup> See Jackson v. Burgess, et al., Civil Action No. 2:03cv00514 (E.D. Va. July 28, 2003) (dismissed as frivolous); Jackson v. Sprid, Civil Action No. 7:02cv01235 (W.D. Va. Oct. 7, 2003) (dismissed as frivolous); Jackson v. CFW Adult Regional Detention Center, et al., Civil Action No. 7:03cv00160 (W.D. Va. Oct. 16, 2003) (dismissed as frivolous).

<sup>2</sup> Jackson alleges that he is a “max[imum] custody inmate” and, therefore, when he moves out of his cell, two officers escort him and he is placed in handcuffs and leg irons. On one occasion, Jackson alleges that upon returning to his cell, the officers ordered him to get onto his bed so that they could remove his restraints. Jackson concedes that he refused their orders at least three or four times, at which time the officers left to get assistance in removing his restraints. Upon their return, Jackson alleges that they “attack[ed]” him, causing him to fall and hit his head on the toilet. He also alleges that he kept yelling that he could not breathe. He does not allege any resulting injury. He also does not allege that he was ever “attack[ed]” again. Moreover, it appears this incident occurred when Jackson was previously incarcerated on another conviction in 2008. Based on the foregoing, the court finds that Jackson has failed to demonstrate that he is under imminent danger of serious physical harm.